



WILENTZ, GOLDMAN &amp; SPITZER P.A.

**ATTORNEYS AT LAW**

90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, NJ 07095-0958  
732.636.8000  
Fax 732.855.6117

Meridian Center I  
Two Industrial Way West  
Eatontown, NJ 07724-2265  
732.542.4500  
Fax 732.493.8387

110 William Street  
26th Floor  
New York, NY 10038-3927  
212.267.3091  
Fax 212.267.3828

Two Penn Center Plaza  
Suite 910  
Philadelphia, PA 19102  
215.940.4000  
Fax 215.636.3999

www.wilentz.com

Please reply to:  
Woodbridge  
Direct Dial: (732) 855-6066  
Direct Fax: (732) 726-4735  
Email: dlapinski@wilentz.com

DAVID T. WILENTZ (1919-1988)  
G. GEORGE GOLDMAN (1922-1959)  
HENRY M. SPITZER (1928-1988)  
WARREN W. WILENTZ (1949-2010)

RICHARD F. LERT<sup>2</sup>  
JOHN A. HOFFMAN  
STEPHEN E. BARCAN  
VINCENT P. MALTESE  
DAVID M. WILDSTEIN  
GORDON J. GOLUB  
MARVIN J. BRAUTH<sup>1</sup>  
STUART A. HOBERMAN<sup>2,3</sup>  
STEPHEN A. SPITZER  
ANNE S. BABINEAU<sup>1</sup>  
BRIAN J. MOLLOY<sup>4</sup>  
RANDALL J. RICHARDS  
JOSEPH J. JANKOWSKI  
DAVID S. GORDON  
FREDERICK J. DENNEHY  
ROY H. TANZMAN<sup>2</sup>  
STEVEN J. TRIPP  
JAY J. ZIZNEWSKI  
JAMES E. TRABILSY  
MAUREEN S. BINETTI<sup>4</sup>  
ANTHONY J. PANNELLA, JR.  
MICHAEL J. BARRETT<sup>4</sup>  
MICHAEL F. SCHAFF<sup>2</sup>  
ANGELO JOHN CIFALDI  
KEVIN M. BERRY<sup>2</sup>  
JOHN T. KELLY<sup>2</sup>  
EDWIN LEAVITT-GRUBERGER<sup>2</sup>  
BARRY A. COOKE  
JON G. KUPIK  
PETER R. HERMAN<sup>2</sup>  
EDWARD T. KOLE

ERIC JOHN MARCY  
ROBERT C. KAUTZ<sup>2,8</sup>  
VIOLA S. LORDI<sup>2</sup>  
LYNNE M. KIZIS  
KEVIN P. RODDY<sup>2,4,9</sup>  
DANIEL S. BERNHEIM<sup>3d 13</sup>  
DAVID H. STEIN  
DOUGLAS WATSON LUBIC<sup>2</sup>  
DOMINICK J. BRATTI  
LISA A. GORAB<sup>2</sup>  
LAWRENCE F. JACOBS<sup>2</sup>  
FRED HOPKE<sup>1</sup>  
DONALD E. TAYLOR<sup>2</sup>  
BRETT R. HARRIS<sup>2</sup>  
JEFFREY W. CAPPOLA  
ALFRED M. ANTHONY<sup>2</sup>  
DARREN M. GELBER<sup>2d</sup>  
GRACE D. MACK<sup>2</sup>  
DONNA M. JENNINGS  
GIOVANNI ANZALONE  
PETER A. GREENBAUM<sup>2</sup>  
WILLARD C. SHIH<sup>2</sup>  
LAWRENCE C. WEINER<sup>2</sup>  
LAURIE E. MEYERS<sup>2,4</sup>  
DAVID P. PEPE  
JOHN E. HOGAN<sup>2</sup>  
EVERETT M. JOHNSON<sup>2</sup>  
DANIEL R. LAPINSKI<sup>2,3</sup>  
TODD E. LEHDER<sup>2</sup>  
PHILIP A. TORTORETTI<sup>11,12</sup>  
KELLY A. ERHARDT-WOJIE<sup>3</sup>  
ALEX LYUBARSKY<sup>2</sup>  
ELLEN TORREGROSSA-O'CONNOR  
MICHAEL A. PAFF<sup>2</sup>  
JOSEPH J. RUSSELL, JR.<sup>2</sup>  
BARBARA J. KOONZ<sup>10</sup>

OF COUNSEL  
ALAN B. HANDLER<sup>5</sup>  
FRANCIS V. BONELLO  
BRUCE M. KLEINMAN<sup>2,5</sup>  
C. KENNETH SHANK<sup>2</sup>  
WILLIAM J. LINTON

COUNSEL  
RUTH D. MARCUS<sup>12</sup>  
RICHARD J. BYRNES  
JAMES E. TONREY, JR.<sup>2</sup>  
DEIRDRE WOULFE PACHECO<sup>2</sup>  
ROBERTO BENITES  
JONATHAN J. BART<sup>12,3</sup>  
YVONNE MARCUSE  
ABBY RESNICK-PARIGIAN<sup>2,3</sup>  
ELIZABETH C. DELL<sup>2</sup>  
ROBERT L. SELVERS<sup>2</sup>  
JOHN P. MURDOCH II  
GREGORY D. SHAFFER<sup>2,4</sup>  
ALYSON M. LEONE<sup>2</sup>

ASSOCIATES  
LINDA LASHBROOK  
STEPHANIE D. GIRONDA  
LOUIS J. SEMINSKI, JR.  
MICHAEL F. FRIED<sup>2</sup>  
KEITH L. HOVEY<sup>2,3</sup>  
JOSEPH M. FREDA III  
MATTHEW SKOLNIK<sup>2</sup>  
VINCENT CHENG<sup>3</sup>  
JAMES TRACY  
DANIEL J. KLUSKA  
KARIN K. SAGE

SATISH V. POONDI  
KUSH SHUKLA<sup>2,11</sup>  
RACHEL C. HEINRICH<sup>2</sup>  
ANNEMARIE T. GREENAN<sup>2</sup>  
ERIC M. FINKELSTEIN<sup>2</sup>  
NANOR L. TERJANIAN<sup>2</sup>  
JENNA N. SHAPIRO<sup>2</sup>  
DANIEL A. COZZI<sup>2,3</sup>  
ANDREW GROUS<sup>2,3</sup>  
RISA M. CHALFIN  
JUSTIN HOLLANDER<sup>2</sup>  
LISA GORA  
FOTINI KARABOULIS<sup>2</sup>  
JUNE Y. LEE<sup>2</sup>  
JASON J. KRISZA<sup>2</sup>

<sup>4</sup> Certified Civil Trial Attorney  
<sup>12</sup> Certified Criminal Trial Attorney  
<sup>1</sup> Certified Workers Comp. Attorney  
1 Not admitted NJ  
2 Admitted NY  
3 Admitted PA  
4 Admitted CT  
5 Admitted DC  
6 Admitted MA  
7 Admitted MD  
8 Admitted VA  
9 Admitted CA  
10 Admitted FL  
11 Admitted PR  
12 Admitted VI

December 11, 2015

**VIA ELECTRONIC CASE FILING:**

Honorable Joseph A. Dickson, U.S.M.J.  
United States District Court  
District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *DeMarco v. AvalonBay Communities, Inc.***  
**Civil Action No.: 15-628 (JLL)(JAD) (consolidated cases)**

Dear Judge Dickson:

Together with our co-counsel, Lite DePalma Greenberg, P.C. and Chimicles & Tikellis LLP, this office is Interim Co-Lead Counsel for plaintiffs. We write in follow up to the December 8, 2015 Case Management Conference and to address certain questions raised by the Court during that conference related to plaintiffs Voronov and Katz.

As an initial matter, we have confirmed with attorney Aaron Peskin that he and his law firm, the Ferrara Law Group, P.C., are registered on the Court's electronic case filing system ("ECF") and that they do, in fact, receive ECF notices related to this matter. Further, members of the Ferrara Law Group are in ongoing communication with Co-Lead Counsel and will continue such communication moving forward. To the extent questions related to either plaintiffs Voronov or Katz arise, those questions can and will be addressed by Co-Lead Counsel in concert with the Ferrara Law Group.

Consistent with the Consent Order entered on October 6, 2015 (Dkt. No. 59), plaintiffs Voronov and Katz have adopted the Consolidated Class Action Complaint filed in this matter and are included as named plaintiffs in the above matter. Further, on June 8, 2015, plaintiffs filed a Motion for



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Class Certification (Dkt. No. 28) that remains pending. That motion seeks to have plaintiffs Loposky, Guitierrez, Kemp, Cooley, DeMarco and Bayer named as class representatives. The motion does not seek to have plaintiffs Voronov or Katz named as class representatives and plaintiffs' counsel do not intend to amend that pending motion. Counsel do not believe there is any legal requirement that either Voronov or Katz, as named plaintiffs in a consolidated action, must also be appointed class representatives.

Lastly, since the December 8, 2015 conference, plaintiff Voronov has served responses to Defendant's various interrogatories and anticipates serving documents in response to various document requests in the near future. Along the same lines, plaintiff Katz is expected to file responses to various discovery requests shortly.

We thank the Court for its consideration and are available to address any questions that the Court may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Lapinski', written in a cursive style.

Daniel R. Lapinski

DRL/mm